

LCB File No. R135-06

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

PROPOSED AMENDMENTS TO NAC 571.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

Discussions with the cattle industry, and also responses from cattle producers to a questionnaire sent out last year indicate regulations for Trichomonosis/Trichomoniasis need to be considered. The purpose of the regulations would be to reduce the presence of Trichomonosis/Trichomoniasis in Nevada herds, thereby increasing the economic return to the cattle producer.

2. Either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.

Please refer to the previously provided text of the proposed amendment.

3. The estimated economic effect of the regulation on the business that it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

Beneficial effects would be increased economic returns to producers through elimination of disease and an increase in product for sale (calves). Adverse effects would be the cost of testing and increased handling of bulls by those who do not test already.

(b) Both immediate and long-term effects.

Immediate effects: Reduction of disease from an estimated infection rate of 2-3 percent of Nevada's bull population. Trichomonosis currently has estimated costs to the industry of \$500,000 to \$1,000,000 annually.

Long term effects: Major reduction of disease to a level of less than 0.3% of Nevada's bull population with losses to industry of approximately \$75,000 or less.

4. The estimated cost to the agency for enforcement of the proposed regulation.

Anticipate a doubling of tests run at an increased cost to the Animal Disease Laboratory of:

Personnel costs for in pouch testing: \$13,373

Polymerase Chain testing (confirmatory test): \$12,750

TOTAL: \$26,123

Cost calculations are based on FY07 classified salary schedule and 2007 reagent pricing.

5. A description of and citation to any regulations of other state or local governmental agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

Not applicable.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

Animal Diagnostic Lab will need to increase cost of Trichomonosis testing:

We will need to increase cost of in pouch testing from a sliding scale of: 1-5 samples @ \$4.00 per sample; 6-9 samples @ \$3.25 per sample; >9 samples @ 2.50 per sample to a flat fee of \$5.00 for any number of samples.

We will also need to increase cost of Polymerase Chain Reaction testing (confirmatory test) from \$8.00 per test to \$20.00 per test.

Fee increases allow us to recover our costs more effectively and bring us to a level closer to other laboratories doing the same testing.

The language of the new section being added to the NAC is italicized.

- 1. Testing requirements for all bulls entering Nevada (including commuter health/pasture to pasture) over 8 months of age except feedlot, rodeo or exhibition bulls*
- 2. Only accredited NV licensed vets may Trich test and all bulls tested must have an approved individual color-coded Trich eartag*
- 3. Positive tests are reportable to the owner and State Veterinarian.*
- 4. State Veterinarian will contact adjacent neighbors and advise of positive test and make an epidemiological investigation to determine whether exposure has occurred. If determined to be exposed adjacent premises shall have a hold order placed on the premise must have all bulls Trich tested within 12 months*

5. *State Veterinarian will quarantine infected herds until negative tests clear infected bulls (3 negative tests) premises must complete all Trich testing within 12 months or sent to slaughter*
6. *All bulls over 8 months of age offered for sale for breeding purposes must be trich tested, all non-tested bulls may be sold for slaughter only*
7. *Estray or commingled bulls may be required to be trich tested at the bull owners expense*
8. *Premises under a hold order or quarantine may not sell All positive herds and exposed herd shall have 12 months to test all bulls. No change of ownership will be allowed on bulls, cows and heifers over twenty (20) months of age except into slaughter channels until testing is complete.*

Draft Definitions

Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs.

Administrator. The administrator of the Division of Animal Industries, Nevada State Department of Agriculture or his designee.

Department. The Nevada State Department of Agriculture.

Division of Animal Industries. Nevada State Department of Agriculture, Division of Animal Industries.

Exposed Livestock. Any livestock that have been in contact with an animal infected with, or affected by, any contagious, infectious or communicable disease, including all livestock in a known infected herd.

Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities.

Herd. A herd is any group of livestock maintained on common ground for any purpose, or two (2) or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to contagious, infectious, or communicable animal diseases.

Infected Livestock. Any livestock determined to be infected with a contagious infectious, or communicable disease by an official test or diagnostic procedure, or diagnosed by a veterinarian as infected.

Interstate Movement. Movements of livestock and poultry from Nevada into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Nevada.

Intrastate Movement. Movement of any animal from one location to another location within Nevada.

Known Infected Herd. Any herd in which any livestock has been determined to be infected with contagious, infectious, or communicable diseases by an official test or diagnostic procedure, or diagnosed by a veterinarian as being infected.

Negative. An animal that has been tested with official test procedures and is found to be negative.

Quarantine. A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals from a premise or any other location when the Administrator has determined that the animals have been found or are suspected to be exposed to or infected with any contagious, infectious, or communicable disease, or the animals are not in compliance with the provisions of this chapter.

Quarantined Area. The counties, areas, or districts, portions thereof, quarantined by the Division of Animal Industries for specific contagious, infectious, or communicable animal diseases.

Quarantined. Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept.

Registered Veterinarians. Veterinarians registered with, and approved by, the Division of Animal Industries to collect Trichomonosis samples for official Trichomonosis culture testing.

State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities.

Stockyards. A facility where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals.

Total Confinement Operation - means a dry lot feeding operation where none of the sexually active animals are allowed access to pasture, or to mingle with other cattle outside the confines of the premise.

Commuter Cattle - means cattle traveling across state lines for grazing purposes while utilizing a Commuter Permit Agreement approved by both the respective State Veterinarians, or cattle traveling on a Certificate of Veterinary Inspection where there is no change of ownership.

Official Test - means one where the sample is collected by an accredited veterinarian approved by the department and which is received by the lab within 48 hours of collection. The sample should be transported on acceptable media and maintained at 65 to 90 degrees Fahrenheit. Test samples not meeting these criteria will be discarded and a new sample collected. Acceptable media shall be Diamond Media, or the In Pouch method, or other department approved transport media. The inoculated media shall be incubated at 37 degrees centigrade and monitored for growth at 24 hour intervals for 96 hours. An Official State of Nevada Trichomonosis Test Tag or similar official tag from another state shall be placed in the right ear of any bull so tested.

Qualified Feedlot - means a feedlot approved by the Nevada Department of Agriculture to handle INTRASTATE heifers, cows, or bulls which originate from Nevada herds. These animals shall be confined to a dry lot area which is used to upgrade or finish feeding animals going only to slaughter.

Positive Herd - means any herd or group of cattle owned by one or more persons which shares common grazing or feeding operations and in which one or more animals has been diagnosed to be infected with Trichomonosis within the last 12 months.

Brand - means a 2 X 3 hot iron single character lazy V applied to the left of the tail of a bull, signifying that the bull is infected with the venereal disease, Trichomonosis.

Exposed to female cattle - means freedom from restraint such that breeding is a possible activity.

Feeder Bulls - means bulls not exposed to female cattle and kept in total confinement operations for the purpose of feeding and eventual slaughter.

Draft Regulations

All bulls eight (8) months of age and older, entering Nevada must be tested for Trichomonosis by an accredited veterinarian within 30 days prior to entry into Nevada. Exceptions include: 1) bulls going directly to slaughter or to a qualified feedlot, 2) feeder bulls kept in total confinement operations, 3) rodeo bulls for the purpose of exhibition, and 4) bulls attending livestock shows for the purpose of exhibition, only to be returned to the state of origin. Rodeo and exhibition bulls with access to grazing, or exposed to female cattle, or being offered for sale are required to be tested prior to entry. Any Certificate of Veterinary Inspection issued for bulls covered under this rule shall bear the statement, Trichomonosis has not been diagnosed in the herd of origin within the last 12 months, except that, bulls from herds that have tested positive for Trichomonosis within the previous 12 months are required to have three negative tests, no less the one week apart, prior to entry into Nevada.

All commuter bulls must be tested with an official test for Trichomonosis annually, between October 1 and May 31 of the following year, and prior to exposure to female cattle. Application for commuter permit must include copies of testing performed by an accredited veterinarian who has been certified to perform testing for Trichomonosis. All bulls from

positive herds are required to have three negative tests, no less than one week apart, prior to exposure to female cattle.

All bulls eight (8) months of age and older being offered for sale for reproductive purposes in the state of Nevada must be tested for Trichomonosis with an official test within 30 days prior to sale and shall bear a current official Trichomonosis test tag. Bulls that have had contact with female cattle subsequent to testing must be re-tested prior to sale.

It shall be the responsibility of the owner or his agent to declare, on the auction drive-in slip, the Trichomonosis status of a bull being offered for sale at a livestock auction. Untested bulls (i.e. bulls without a current Trichomonosis test tag), including dairy bulls, may be sold for slaughter only, or for direct movement to a Qualified Feedlot or Total Confinement Operation.

Any bull over eight (8) months of age which is found estray and commingles with another producer's female cattle, the bull may be required to be tested (or re-tested) at the discretion of the State Veterinarian for Trichomonosis. The owner of the offending bull shall bear all costs for the official test.

All Nevada bulls, which are tested, shall be tagged in the right ear with a current Official State of Nevada Trichomonosis test tag by the accredited veterinarian performing the test. Official tags shall be only those as are authorized by the department and approved by the State Veterinarian office. The color of the approved tag shall be changed yearly. Bulls entering the State of Nevada under the provisions of this rule may be tagged upon arrival by an accredited veterinarian upon receipt of the Trichomonosis test charts from the testing veterinarian. Bulls which bear a current Trichomonosis test tag from another state which has an official Trichomonosis testing program will be acceptable to the State of Nevada.

All bulls testing positive for Trichomonosis must be reported immediately to: 1) the owner, and 2) the State Veterinarian, by the veterinarian performing the test. The State Veterinarian shall notify the administrators of the common grazing allotment and any neighboring (contiguous) cattleman within ten days following such notification. Any bull or cow that is positive to a Trichomonosis culture test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomonosis shall be considered infected. Quarantine of Infected Herds. Any veterinarian that discovers an infected herd shall immediately place the herd under a hold order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomonosis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine.

Exposed Herds. Herds identified as exposed through an epidemiological investigation shall be placed under a hold order.

a. Bulls in exposed herds shall be tested as determined by the Trichomonosis epidemiologist.

b. All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomonosis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomonosis test and report form.

c. All exposed herds shall have 12 months to test all bulls. No change of ownership will be allowed on bulls, cows and heifers over twenty (20) months of age except into slaughter channels until testing is complete.

Testing of Infected Herds. Bulls in infected herds shall be tested negative for Trichomonosis three (3) consecutive times before the quarantine can be released. The quarantined operation will have 12 months to complete all testing. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomonosis to be eligible to receive a certificate of negative test.

a. All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomonosis tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomonosis test and report form.

b. Bulls that have three (3) consecutive negative Trichomonosis culture tests conducted at least seven (7) days apart shall be considered negative to Trichomonosis and can be so certified.

c. All positive herds shall have 12 months to test all bulls as outlined in a and b above. No change of ownership will be allowed on bulls, cows and heifers over twenty (20) months of age except into slaughter channels until testing is complete.

All bulls or cows which test positive to Trichomonosis must be branded with a hot iron single character lazy V applied to the left of the tail of the animal, signifying that the animal is infected with the venereal disease, Trichomonosis. All positive animals must be sent by direct movement within 30 days, to: 1) slaughter at an approved slaughter facility, or 2) to a Qualified Feedlot for finish feeding and slaughter, or 3) to an approved auction market for sale to one of the above facilities. Such bulls must move only when accompanied by a VS 1-27 Form issued by the testing veterinarian or other regulatory official. Positive bulls entering a Qualified Feedlot must be segregated from breeding cows and heifers.

A bull is considered positive if Trichomonas organisms are identified when cultured by the examining veterinarian or laboratory. An owner may have the option to request submission of the positive sample to an approved reference laboratory for confirmation by Polymerase Chain Reaction (PCR). As prerequisites to exercising this option, the sample must arrive at the laboratory within 48 hours of being found positive. A sample determined by PCR not to be T. foetus will be considered negative. A sample found to be inconclusive will be considered positive. A bull determined to be negative for T. foetus by PCR must be subsequently tested negative by culture prior to being offered for sale and no sooner than one month after the PCR.

REGISTERED VETERINARIANS.

Only veterinarians registered with the Division of Animal Industries shall collect samples for official tests for Trichomonosis within the state of Nevada.

Use of Official Laboratories. Registered veterinarians shall only utilize official laboratories for culture of Trichomonosis samples.

Education Requirements. All veterinarians shall attend an educational seminar on Trichomonosis and proper sample collection techniques, conducted by the Division of Animal Industries, prior to being granted registered status.

Official Laboratories. Only laboratories approved by the Division of Animal Industries as official laboratories shall test official Trichomoniasis samples.

a. Official laboratories shall operate in accordance with the “Official Nevada Protocol for Culture of Trichomoniasis”.

b. Official laboratories shall pass an annual check test administered by the Division of Animal Industries.

Any person who fails to satisfy the requirements of this rule or who knowingly sells animals infected with Trichomonosis, other than to slaughter, without declaring their disease status shall be subject to citation and fines as prescribed by the department or may be called to appear before an administrative proceeding by the department.